

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:

DANIEL B. LONG
ADRIENNE LONG

Debtors

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CASE NO. 05-40079

DECISION AND ORDER

At Fort Wayne, Indiana, on

The notice of motion and opportunity to object which debtors (hereinafter “Movant”) served in connection with their immaterial modification of chapter 13 plan does not comply with the requirements of N.D. Ind. L.B.R. B-2002-2 because:

- a. The notice differs from Local Bankruptcy Forms 3a and 3b, by omitting language those forms contain, so that it is not “substantially similar thereto.” N.D. Ind. L.B.R. B-2002-2(c).
- b. The notice is not accompanied by a copy of the court’s order authorizing notice to creditors and establishing deadlines for filing objections. N.D. Ind. L.B.R. B-2002-2(e).

Since creditors and parties in interest have not been given appropriate notice of the immaterial modification and the opportunity to object thereto, the court cannot confirm the chapter 13 plan at this time. Movant shall prepare and serve an Amended Notice of the immaterial modification and Opportunity to Object which complies with N.D. Ind. L.B.R. B-2002-2 and file proof thereto within fourteen (14) days of this date. See, N.D. Ind. L.B.R. B-9013-4(a). The failure to do so will result in confirmation of the chapter 13 plan being denied without prejudice and without further notice.

SO ORDERED.

/s/ Robert E. Grant
Judge, United States Bankruptcy Court

